REMARKS

Claims 3-12 have been previously examined and are pending in this application, of which claim 3 is independent. No claim amendments are made in this Response. Claims 1-12 stand rejected under 35 U.S.C §102(e) as purportedly being anticipated by U.S. Patent No. 6,697,824 (Bowman-Amuah). Applicants respectfully traverse this rejection and swear behind the reference.

1.   Bowman-Amuah is Not Prior Art

Applicants submitted a declaration of Frederick Herz under 37 C.F.R. §1.131 with Applicants' previous response, filed May 17, 2005. The Office Action asserts that this Declaration is insufficient to establish a conception of the invention prior to the effective date of Bowman-Amuah.

In response, Applicants submit herewith a new Declaration of Frederick Herz, under 37 C.F.R. §1.131, along with: a draft document which became U.S. Provisional Patent Application No. 60/161,640, to which this application claims priority; and a claim chart evidencing conception of the invention of claim 3 prior to August 31, 1999. The new Declaration, draft document and claim chart together clearly establish a conception of the subject matter recited in claim 3 prior to the August 31, 1999 effective filing date of Bowman-Amuah.

In view of the foregoing, Applicants respectfully submit that Bowman-Amuah is not prior art under 35 U.S.C §102(e), to the subject matter recited in claim 3. Accordingly, Applicants respectfully request that the rejection of claim 3, and dependent claims 4-12, be withdrawn.

2.   Claims 3-12 Patentably Distinguish Over Bowman-Amuah

If for any reason the Examiner finds the Rule 131 declaration insufficient to remove Bowman-Amuah as a reference, the rejection nevertheless should be withdrawn as Bowman-Amuah does not, in fact, anticipate the claimed invention.

Bowman-Amuah is directed to software for interacting with a user over a network in an e-Commerce environment. (Col. 1, Lines 17-19).

In contrast, claim 3 recites:

A method of allowing access to data over a distributed data processing system, comprising:

provding an automated infrastructure for the exchange of information between multiple parties;

providing a trusted server with at least one data warehouse for the storage of said information;

associating a price rule with particular data records of said information which establishes a cost of accessing said particular data records, and which controls the access to that data;

wherein said price rule enables a data owner associated with said data to specify a different price for different types and amounts of information access;

within said trusted server, providing a data processing platform which is accessible to multiple third-party data processing software programs which operate as software agents;

wherein a plurality of seller-side software agents have defined relationships to said price rules and associated data records, and control access to said data records;

wherein a plurality of buyer-side software agents have regulated query access to said data processing platform and may request pricing information from said seller-side software agents;

wherein said plurality of seller-side software agents and said plurality of buyer-side software agents operate as persistent data processing systems which interact with one another repeatedly over time and which thus define a virtual marketplace. (Emphasis added.)

Claim 3 patentably distinguishes over Bowman-Amuah because Bowman-Amuah fails to disclose or suggest all of the limitations recited in claim 3. For example, Bowman-Amuah fails to disclose or suggest "associating a price rule with particular data records of said information which establishes a cost of accessing said particular data records, and which controls the access to that data," as recited in claim 3. Bowman-Amuah discloses two different types of *products*, physical products and electronic products that may include content and information. (Col. 26, lines 18-26). Further, Bowman-Amuah discloses dynamically determining the price for purchase of a product, discounts to the price, shipping charges and taxes and tariffs relating to the purchase of the product. (Col. 61, line 29 – col. 62, line 4). However, determining the price for purchasing a product is not the same thing as "associating a price rule with...data

records" to establish a cost of accessing the data records and control access to that data.
The claim requires that the price rule "enables a data owner associated with said data to
specify a different price for different types and amounts of information access." A "price
rule" could be set to establish different prices for *accessing* a data record, such as a cost
for one-time access, a different cost for monthly access, etc., by contract. Bowman-
Amuah only provides for setting a price for *purchasing* a product.

Bowman-Amuah does not disclose or teach employing different prices for
different types and amounts of access; after all, once a purchaser *buys* a product, the
purchaser owns at and has full-time use and enjoyment of the product. Buying a house is
not the same thing as renting an apartment, even though both put a roof over one's head.

To anticipate a claim invention, a reference must disclose every limitation of the
claim. Bowman-Amuah does not!

In view of the foregoing, claim 3 is not anticipated by Bowman-Amuah.
Accordingly, Applicants respectfully request that the rejection of claim 3 under §102(e)
be withdrawn. Claims 4-12 each depend from claim 3 and are patentable for at least the
same reasons. Accordingly, Applicants respectfully request that the rejections of these
claims under §102(e) be withdrawn.

In view of the foregoing, Applicants believes the pending application is in condition for
allowance.

Dated: February 8, 2006   Respectfully submitted,

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